

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Sonny Ishikawa,

Plaintiff

v.

Life Insurance Company of North America,

Defendant

Case No. 2:22-cv-02052-CDS-MDC

**Notice Regarding Intent to
Dismiss Under Local Rule 41-1**

Plaintiff Sonny Ishikawa initiated this Employee Retirement Income Security Act (“ERISA”) action in December of 2022. Compl., ECF No. 1. After a brief extension of time, defendant Life Insurance Company of North America filed its answer. ECF No. 12. That was in February 2023. Now, more than a year has passed and there has been no activity of record.

This district’s Local Rules provide for dismissal of an action for want of prosecution:

All civil actions that have been pending in this Court for more than 270 days without any proceeding of record having been taken may, after notice, be dismissed for want of prosecution by the court sua sponte or on the motion of an attorney or pro se party.

LR 41-1. This provision is intended to encourage the efficient litigation of cases and to not let them languish on the docket. Further, it is within the inherent power and discretion of the court to sua sponte dismiss a civil case for lack of prosecution. Fed. R. Civ. P. 41(b); *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984). A plaintiff must prosecute his case with “reasonable diligence” to avoid dismissal pursuant to Rule 41(b). *Anderson v. Air W., Inc.*, 542 F.2d 522, 524 (9th Cir. 1976); *see also McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991) (failure to prosecute must be unreasonable in order to support dismissal). Here, it appears that Ishikawa has failed to prosecute with reasonable diligence because this case has laid dormant for well over a year.

1 Thus, notice is hereby given of the court's intent to terminate this action for inactivity
2 under LR 41-1. If Ishikawa wishes to pursue this matter, he must file a notice of intention to
3 proceed. If Ishikawa does not wish to pursue this action, the parties must file a stipulation of
4 dismissal. Ishikawa is cautioned that failure to respond to this order will constitute grounds for
5 imposing appropriate sanctions, specifically, the dismissal of this action under LR 41-1 and Fed.
6 R. Civ. P. 41(b). Failure to respond by May 17, 2024 will result in dismissal without prejudice
7 and without further notice.

8 Dated: April 26, 2024

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10 Cristina D. Silva
11 United States District Judge
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